

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2910 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VRAJLAL AMRABHAI MEHTA (DELETED) & OTHERS

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR KETAN DAVE for Petitioners

MR NN PANDYA for Respondent No. 1

MRS KETTY A MEHTA for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The counsel for the petitioners made a statement that except the petitioners no.14, 20 and 24 all other petitioners have been given the relief as prayed for in this Sp. Civil Application by the respondent no.2, and as such, he does not press this Sp. Civil Application on behalf of the petitioners other than the aforesaid petitioners.

Order accordingly. This Sp. Civil Application is dismissed as not pressed with respect to petitioners no.1 to 13, 15 to 19 and 21 to 23.

2. So far as the three petitioners are concerned, the counsel for the petitioners contended that the action of respondent no.2 not to give them the houses which are in their occupation as a servant of the Corporation on hire purchase agreement is illegal. On the other hand, Smt. Ketty Mehta counsel for the Corporation contended that these petitioners are not entitled for giving them the houses in question on hire purchase agreement as they have already been allotted the houses by the Corporation on hire purchase agreement at other places in the State of Gujarat. The counsel for the petitioner next contended that Gujarat Housing Board has brought into force the resolution no.43 of 1990 dated 4-12-1990 under which they became entitled for the allotment of the houses in question on hire purchase agreement. He further contended that in the month of April, 1996, these three petitioners have already made a representation to the Chairman of the Gujarat Housing Board giving the reference of the aforesaid resolution and prayed therein that they may also be given the houses in question on hire purchase agreement. The counsel for the respondent-Corporation Mrs. Ketty Mehta admits that the Corporation has made a resolution, reference of which has been made by the petitioner and she further admits that the petitioners have already made a representation in this respect to the Chairman of the Board. The interest of justice will be served in case this Sp. Civil Application is disposed of with the direction to the Chairman of the Gujarat Housing Board to decide the representation of the petitioners given by them in the month of April, 1996 keeping in view the Board's resolution dated 4-12-1990 within a period of four months from the date of receipt of certified copy of this order. In case the claim of the petitioners is not acceptable by the Chairman, it is expected that a speaking order may be passed and copy of the same may be sent to the petitioners by regd. post. Rule is made absolute in the aforesaid terms with no order as to costs.
